

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Evelyn Roig, Assistant Town Clerk/954-797-1023

PREPARED BY: Evelyn Roig, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: December 16, 2009 Minutes (Regular Meeting)

REPORT IN BRIEF: Council meeting minutes from the December 16, 2009 Regular Meeting.

PREVIOUS ACTIONS: N/A

CONCURRENCES: N/A

FISCAL IMPACT: not applicable

RECOMMENDATION(S): Other -

Attachment(s): December 16, 2009 Minutes

December 16, 2009

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Paul, Vice-Mayor Crowley and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1 Veterans Day Ceremony Volunteer Recognition - Dennis Andresky
Parks and Recreation Director Dennis Andresky announced that representatives of the Davie Police Explorers and the Boy Scouts of America were present to be recognized. Mayor Paul presented representatives of each group with a Certificate of Recognition.

3.2 Education Excellence and Safety Outreach Grant Award - John Pisula
John Pisula, Chair of the Youth Education and Safety Advisory Committee, announced that three teachers in Town of Davie schools had received grants. He introduced some Committee members and announced that they had given away four awards this year, and now had sponsors, which would enable them to keep the grants going next year.

Award recipients:

Ann Jamison, teacher from Flamingo Elementary

Sherry Hogg, teacher from Indian Ridge Middle School

Michelle Kefford, Vice Principal from Western High School

Mr. Pisula advised potential sponsors to go to the Town website for information.

Mayor Paul advised staff had requested item 6.3 be tabled to January 6, 2010.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to table item 6.3 to January 6, 2010. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul requested that item 4.27 be tabled to January 6, 2010, with a brief workshop to be held prior to that date's Council meeting to discuss the issue.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table item 4.27 to January 6, 2010. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul advised that item 4.28 Central Broward Water Control District needed to be added.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to add item 4.28. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul advised that item 4.29 Emergency Repair of Wastewater Treatment Unit 1 needed to be added.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to add item 4.29. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Caletka pulled items 4.11, 4.13, 4.24, 4.28 and 4.29 from the Consent Agenda. Councilmember Starkey pulled items 4.1 and 4.8. Mayor Paul pulled items 4.9, 4.10, 4.16 and 4.21.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda, less items 4.1, 4.8, 4.9, 4.10, 4.11, 4.13, 4.16, 4.21, 4.24, 4.28 and 4.29. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 November 17, 2009 Minutes (Regular Meeting)

Business Tax Receipts

- 4.2 Mike's Home Repairs and Remodeling, 10950 SW 42 Ct.
4.3 Credit Repair By Angels, 15825 Cotswold Ct.
4.4 Triage Medical Billing Group, 2200 SW 117 Ter.

Resolutions

- 4.5 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AWARDING THE BID FOR DECORATIVE FENCING FOR THE PARCEL LOCATED AT SW 14 STREET AND FLAMINGO ROAD. (General Obligation Parks and Open Space Bonds District 3) (tabled from November 17, 2009)
- 4.6 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA RATIFYING THE APPROVAL OF AN AGREEMENT BETWEEN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY AND CRAVEN THOMPSON & ASSOCIATES FOR THE DESIGN ENGINEERING FOR THE DAVIE CRA WESTSIDE DRAINAGE IMPROVEMENTS PROJECT; AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HER SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A

SERVICE PROVIDER AGREEMENT WITH NEW COMMUNITY STRATEGIES, INC. TO PROVIDE INSPECTION SERVICES UNDER THE TOWN'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP) REHABILITATION INSPECTION SERVICES AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SEMINOLE TRIBE OF FLORIDA TO PROVIDE BULK WATER AND SEWAGE SERVICE
- 4.9 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE APPROVING AN EXTENSION OF THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND TOBY'S CONCESSIONS SERVICE, INC. FOR CONCESSION SERVICE AT DAVIE PINE ISLAND PARK AND AUTHORIZING THE MAYOR TO ACCEPT AMENDMENTS A, B, C, AND D TO SAID AGREEMENT.
- 4.10 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CDBG SUB-RECIPIENT AGREEMENT WITH THE HOPE OUTREACH CENTER INC., TO PROVIDE EMERGENCY/HOMELESS PREVENTION ASSISTANCE TO INCOME-ELIGIBLE FAMILIES AND INDIVIDUALS IN DAVIE
- 4.11 **AGREEMENT AMENDMENT** - A RESOLUTUION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO AMEND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION JOINT PARTICIPATION AGREEMENT PARAGRAPH SIX.
- 4.12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO A SERVICE AGREEMENT FOR MEDICAL DIRECTOR SERVICES BETWEEN THE TOWN OF DAVIE AND PETER M. ANTEVY, MD.
- 4.13 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND GRAU AND ASSOCIATES FOR EXTERNAL AUDIT SERVICES.
- 4.14 **MEMORANDUM OF UNDERSTANDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE TERMS OF THE MEMORANDUM OF UNDERSTANDING (MOU) AMONG

BROWARD COUNTY, THE BROWARD SOLID WASTE DISPOSAL DISTRICT, WHEELABRATOR SOUTH BROWARD, INC. AND WHEELABRATOR NORTH BROWARD INC. PROVIDING THAT THIS RESOLUTION SHALL BE BINDING ONLY UPON APPROVAL OF AN ADDITIONAL RESOLUTION APPROVING A NEW INTERLOCAL AGREEMENT FOR THE BROWARD SOLID WASTE DISTRICT.

- 4.15 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE AWARD BY THE CITY OF CORAL SPRINGS FOR UNLEADED GASOLINE AND DIESEL FUEL, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP RFP NO. 09-A-149.
- 4.16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR LAWN MAINTENANCE SERVICES FOR PARKS AND OPEN SPACE PROPERTIES
- 4.17 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SEWER SLUDGE HAULING SERVICES.
- 4.18 **LETTER OF INTENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PROCUREMENT MANAGER TO ISSUE A LETTER OF INTENT TO ACTION TARGET FOR THE DIRECT PURCHASE OF TARGET EQUIPMENT FOR THE POLICE DEPARTMENT FIREARMS TRAINING FACILITY.
- 4.19 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND AUTHORIZING AN APPLICATION TO THE FY2010 RESOURCE RECOVERY BOARD RECYCLING GRANT PROGRAM, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION.
- 4.20 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A GRANT FROM THE 2009 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANTS PROGRAM.
- 4.21 **PERSONNEL POLICIES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ADOPTING PERSONNEL POLICIES ENTITLED; 1. TRANSFER, 2. PROMOTION, 3. DEMOTION, 4.

RECLASSIFICATION, 5. JOB DESCRIPTIONS, AND 6. PERFORMANCE EVALUATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.22 **REGISTRATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO REGISTER AS A COMMUNITY WILDLIFE HABITAT, BY DEVELOPING AND CERTIFYING THE TOWN OF DAVIE IN CONJUNCTION WITH THE NATIONAL WILDLIFE FEDERATION WHILE INCORPORATING NATURESCAPE GUIDELINES OF BROWARD COUNTY TO COMPLIMENT THE DEVELOPED HABITATS.
- 4.23 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO.04-250 FROM \$4,397.82 IN AMOUNT TO \$1,849.73; AND PROVIDING AN EFFECTIVE DATE.
- 4.24 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 08-723 FROM \$26,427.82 IN AMOUNT TO \$6,453.43 AND PROVIDING AN EFFECTIVE DATE.
- 4.25 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST TO CHANGE THE FINDING OF ADEQUACY DATE ON THE PLAT KNOWN AS "BLACKSTONE CREEK," AND PROVIDING AN EFFECTIVE DATE. (DG 10-2-09, Blackstone Creek, zoning is AG Open Space Design Overlay)
- 4.26 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST TO CHANGE THE FINDING OF ADEQUACY DATE ON THE PLAT KNOWN AS THE "MILLCREEK RANCHES," AND PROVIDING AN EFFECTIVE DATE. (DG 10-1-09, Millcreek Ranches, A-1 zoning)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Councilmember Starkey referred to page 16, and said the record should state that she had indicated at the meeting that she supported this item, since it represented a \$188,000 cost savings, and that Don Delaney had confirmed the cost savings.

On page 17, Councilmember Starkey wanted the record to indicate that the land intended for the owl park had been donated as open space by FDOT when Flamingo Road was widened. Councilmember Starkey also wanted the minutes to indicate that the

Open Space Advisory Committee had approved the possibility of the site for the owl park.

Councilmember Caletka argued that the documents did not indicate that the land would remain open space. Mayor Paul asked for this to be reviewed and verified.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve, with the noted corrections, subject to verification. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Councilmember Starkey requested a better explanation of the agreement. Staff indicated that the Tribe planned to expand their plant in the future, and this was additional capacity the Town would be able to retain when the permit expired in 2010. Going to three months instead of one year made it easier for either party to get out of the agreement.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.9 Mayor Paul pointed out that on page 138, number 2 and page 140, number 14, there were references to Coca-Cola products that should be changed to Pepsi products.

Staff explained that the contract was written with two allowable three-year extensions, with a 30-day termination clause.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve with the stated changes. In a voice vote, all voted in favor. (Motion carried 5-0)

4.10 Mayor Paul stated Council had received minor revisions in a December 15, 2009 memo.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve, with the corrections stated in the memo from Housing Director Giovanni Moss. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Councilmember Caletka feared that the Town would be responsible for the maintenance in perpetuity. Mr. Shimun said this was just for tree removal; there was no maintenance involved.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a voice vote, with Councilmember Caletka and Vice-Mayor Crowley dissenting, all voted in favor. (Motion carried 3-2)

4.13 Councilmember Caletka made a motion to approve, with no increase.

Vice-Mayor Crowley asked if the scope of service had been increased to justify the slight increase. Budget and Finance Director Bill Ackerman stated the contract had not changed, but the Town would potentially switch to a new software system, which he felt might have affected the price.

The auditor stated the company would not object to keeping the contract at the same price for the next two years.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve.

Mayor Paul wanted to make this a one-year extension in order to keep the company on time with reports, and asked Vice-Mayor Crowley to amend his motion to indicate this. Vice-Mayor Crowley felt this would be a problem and suggested a two-year extension. Vice-Mayor Crowley amended his motion to include the provision that this would be a two-year extension, and Councilmember Caletka agreed.

In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul requested that item 8.1 be moved up on the agenda and Council did not object.

8.1 Skateboard Area within Pine Island Park

Mr. Andresky distributed a proposed site plan to Council. He stated the Parks and Recreation Advisory Board was supportive of this, subject to funding availability and agreement on the site. Mr. Andresky had recommended this location because this would be easily observable by Town staff to be sure that rules were followed and that users had the proper equipment and waivers. Mr. Andresky stated the cost ranged from \$50,000 to \$125,000, depending on the quality of the product selected.

Mayor Paul suggested a site plan development meeting, presenting the proposal to Parks and Recreation and meeting with potential users to identify the materials to be used so they could better estimate prices.

Ellen Christopher presented a petition with over 400 signatures in favor of the skate area. She reminded Council that the bond attorney had indicated that the Open Space Bond money could be used for the park.

Councilmember Starkey asked for a timeline for development, what the source of funds would be for design, and how the area would be designed to prohibit roller hockey. Mr. Andresky stated they would meet with the user group to get their buy-in and sense of ownership and responsibility that the area would be used properly. They would post signs as well. Funding could come from the Open Space Bond and park impact fees. He would also contact potential sponsors for funds. He believed after order and delivery, it would take three months to install the product.

Vice-Mayor Crowley wanted the project to move forward, but wished to confirm the Open Space Bond Fund available balance and to gain approval from the Open Space Committee before utilizing those funds.

Councilmember Caletka would rather find a funding source other than the Open Space Bond funds. He suggested Mr. Andresky prepare a bid, including possible funding sources. Vice-Mayor Crowley recommended utilizing park impact fees for the site plan process; the Open Space Bond funds could be considered for the materials purchase and construction.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 Public Works Director Manny Diez confirmed that newly adopted parks were included in the bid. He added that the mowing schedule had been altered, but they could discuss this when the contract came up.

Mayor Paul asked about requiring a bond for any damage caused to flora during maintenance. Mr. Diez advised that the effort to foreclose on a bond would be too great to make it worth the cost. Mayor Paul referred to damage done to foliage in Liberty Park, and Mr. Diez explained that an inspector was overseeing the contractors to ensure existing plant life was not damaged. He added that all contracts had a damage clause.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.21 Mayor Paul referred to page 336 C, which stated the Town Administrator could temporarily assign an employee to another department when it was in the best interest of the Town. She felt this was vague. Director of Human Resources Barbara Dupré explained that it was specified elsewhere what factors dictated when this could happen.

Regarding Demotions on page 340, Mayor Paul asked about definitions of “just and reasonable cause.” Councilmember Caletka stated “just cause” was established by case law. Mayor Paul asked about an appeals process. Ms. Dupré explained that these were guides for jobs descriptions; there were grievance policies set up in the personnel policy manual. Mayor Paul recommended that cross-references be included where these were descriptions were spelled out. Ms. Dupré agreed to add to the procedure statement that employees may avail themselves of the grievance policy.

Councilmember Caletka made a motion, seconded by Councilmember Luis, to approve, including the reference to the grievance policy. In a voice vote, all voted in favor. (Motion carried 5-0)

4.24 Councilmember Caletka disagreed with the request, and noted that in this case, the bank had previously requested mitigation, stating a sale was pending that would not go through without the mitigation. The sale had not gone through, and the request had come back. Councilmember Caletka said the bank had “done something rather egregious to a neighborhood...” and he hoped Council would follow the mitigation guidelines.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Luis dissenting, all voted in favor. (Motion carried 4-1)

4.28 CENTRAL BROWARD WATER CONTROL DISTRICT

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve.

Vice-Mayor Crowley pointed out that the survey should identify the easement as a drainage easement.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.29 EMERGENCY REPAIR OF WASTEWATER TREATMENT UNIT

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Resolution

- 6.1 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE THE PURCHASE AND SALE AGREEMENT WITH SILVER OAKS LANDOWNER, LLC FOR 25 ACRES OF PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the resolution by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Program Manager Phil Holste described the terms of the agreement.

Councilmember Starkey wondered why they were purchasing 25 acres but only planned to use 7 acres for open space. Mr. Holste said Council had directed staff to look at acquiring 25 acres.

Mr. Shimun concurred that Council had directed staff to purchase 25 acres. He said Councilmember Caletka felt there was sufficient money to buy 10 acres, and the Town was seeking an alternative area for the wastewater treatment plant if they were unable to acquire the University of Florida property. He informed Councilmember Starkey that the property could be subdivided any way Council desired. Councilmember Starkey felt this was a lot of money to use out of reserves when no project was identified, and it violated the Town's policy. She referred to an email from Mr. Ackerman in Council's backup that referred to this. Mr. Shimun said he did not believe this was what that email said. Mr. Shimun reiterated that staff has sought 25 acres pursuant to Council's direction and had provided available financing schemes.

Councilmember Starkey stated that usually, prior to spending Open Space Bond money in their districts, they solicited information and support from the community, and presented a conceptual plan to the Open Space Advisory Committee for their support. Even though the Open Space Advisory Committee had supported this unanimously, Councilmember Starkey said they felt this should be done at a later time, when development was coming forward.

Councilmember Starkey read the General Fund Policy Statement for unreserved designated monies. The policy stated the Town must maintain an unreserved, undesignated General Fund balance equivalent to 25% of the General Fund operating revenues, and any excess could be used for capital improvements. Councilmember Starkey continued that 25% was \$700,000 that could be used for capital improvements, not \$9 million. She recommended the item be tabled to allow her the chance to sit down with Mr. Shimun, Mr. Ackerman and the property owner to determine what the intent and plans were.

Councilmember Caletka said the agreement designated seven acres as parkland but he did not want to specify that because he wanted flexibility, potentially for the utilities plant. If the land was not needed for that, there were many other uses the Town could put it to.

Councilmember Luis noted Councilmember Caletka had experienced difficulty finding land in his district, and he supported him in this.

Mayor Paul believed the Open Space Committee was talking about the site plan for the general RAC area, not this specific property. They were concerned that this would use up all of the District 1 Open Space Bond Fund money, and there would be no funds available for developing the park or for completing promised trail connections. Mayor Paul did not want to reduce the reserve fund any more than the 25% and wanted to explore creative financing to avoid this.

Councilmember Caletka said residents had expressed a desire for a park in this area at community meetings regarding the Open Space Bond funds and this satisfied that desire. He thought staff had noted undesignated reserves as a generalized funding source, but Councilmember Caletka said there were other alternative funding sources that could help make up the difference.

Councilmember Starkey felt they should be seeking open space along the 441 Transit Oriented Corridor, because they must set aside 120 acres there. She also wanted to look at “hedging off the further expansion...of the Seminole Tribe” who she feared would purchase land all along the 441 corridor.

Councilmember Luis felt they should buy the property now while the market was down. He was willing to use money from Reserves to do this.

Councilmember Caletka pointed out that getting this property for \$500,000 per acre was “practically a gift” because it had been appraised at so much more. He added that this was an area identified as desirable for a park by residents, it had gone through due diligence and would be utilized by the entire Town.

Mr. Ackerman said in his memo, he had provided Council with funding options from which they could choose. He cautioned against using utility reserves, since these should only be used for utility functions.

Vice-Mayor Crowley did not believe the University of Florida property would meet all their future utility needs, and felt a portion of this property would be needed for utilities. He wanted more financial commitment from the utility reserves. Vice-Mayor Crowley wanted to move forward, but requested a more precise estimate from the Utility Department regarding how many acres they would need for future expansion.

Mr. Shimun said the reason they were advocating the use of General Funds was because it provided the most flexibility; if the land was needed for utilities, the Utility Department could buy it from the Town.

Staff explained that the plant to be located on the University of Florida land was intended to service the RAC and TOC. Councilmember Starkey stated that meant the additional land was not needed. Mr. Shimun said their current needs would be served by the University of Florida property, but they would need more property in the future.

Councilmember Luis made a motion to approve.

Councilmember Caletka requested to amend the motion to specify that the portion designated for Open Space should be no less than seven acres. Councilmember Luis agreed to the amendment and Councilmember Caletka seconded the motion.

In a roll call vote, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - no. (Motion carried 3-2)

Ordinance - Second and Final Reading

- 6.2 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING TOWN CODE SECTION 12-243(D)(1) ENTITLED "ELECTION CAMPAIGN SIGNS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.(Tabled from December 2, 2009) {**Approved on First Reading October 7, 2009 subject to the 50 foot separation of signs for the same candidate; and corner lots to be treated differently. The vote is as follows: Mayor Paul - yes; Vice Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis- absent; Councilmember Starkey - yes.**}

Mr. Rayson read the ordinance by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Code Compliance Official Danny Stallone confirmed that page 433 was the new proposal. He explained it was simpler and easier to apply. Mayor Paul said she still had a concern with limiting the period of time a sign could be displayed, due to free speech issues. Mr. Stallone stated there was a difference between political speech and qualification for election. Mayor Paul noted that signs would no longer be permitted on public property.

Councilmember Luis made a motion to deny. Motion died for lack of a second.

Mr. Rayson stated this was an improvement over the current ordinance, and was constitutional.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-1)

Ordinances First Reading (Second and Final Reading to be held on January 6, 2010)

- 6.3 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING CHAPTER 17 ENTITLED "PEDDLERS AND SOLICITORS" PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from November 4, 2009)

This item was tabled earlier in the meeting.

- 6.4 **BUDGET AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL

YEAR 2009; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Caletka made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

7. APPOINTMENTS

7.1 Mayor Paul

7.1.1 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

7.2 Vice-Mayor Crowley

7.2.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

7.2.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

7.3 Councilmember Luis

7.3.1 Youth Education and Safety Advisory Committee (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

7.4 Councilmember Starkey

7.4.1 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

8. OLD BUSINESS

8.1 Skateboard Area within Pine Island Park

This item was discussed earlier in the meeting.

Town Administrator's Evaluation deadline: Mayor Paul asked if Council wanted to keep the Town Administrator's review private. Vice-Mayor Crowley and Councilmember Starkey said they had not had time to submit their evaluations. Mayor Paul requested all Councilmembers submit their evaluations by the end of the year, and that they discuss the reviews at their second meeting in January. Council agreed.

9. NEW BUSINESS

9.1 Regulation of Pain Clinics - Councilmember Starkey

Councilmember Starkey asked that the moratorium be approved this evening. She distributed a draft of the ordinance, and explained that she wished to stop the dispensing of controlled substances from pain clinics.

Vice-Mayor Crowley wanted to be sure Mr. Rayson reviewed and approved this.

Councilmember Luis wanted to be sure nothing in the ordinance would hurt legitimate practitioners. Mr. Rayson acknowledged there could be problems trying to prohibit the dispensing of pain medication. He felt some of this might be better addressed by the State Legislature.

Councilmember Starkey requested that the moratorium item be put on their next agenda.

9.2 Deannexation of I-595 - Councilmember Caletka

Councilmember Caletka requested tabling this item to the second meeting in January. Council agreed.

10. SCHEDULE OF NEXT MEETING

10.1 March Meeting

Mayor Paul explained that Council's second meeting in March conflicted with Broward Days.

Council agreed to meet on Tuesday, March 23, 2010.

Mayor Paul reminded Council that their January 20th meeting would begin at 6:45 for Mr. Rayson to discuss item 4.27.

11. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

I-75 SOUND WALLS. At the recent MPO meeting, Councilmember Caletka had requested that I-75 design plans include the sound walls they had been promised.

BROADVIEW PARK ANNEXATION INTO FORT LAUDERDALE.

Councilmember Caletka had learned that Fort Lauderdale Mayor Jack Seiler had requested that annexation of Broadview Park into Fort Lauderdale begin.

GRANTS FOR ROAD EXPANSION. Councilmember Caletka had learned that staff had submitted grant requests for road expansions.

HAPPY HOLIDAYS. Councilmember Caletka wished everyone Happy Holidays.

COUNCILMEMBER LUIS

THANKS TO PUBLIC WORKS. Councilmember Caletka thanked Public Works for repairing the road on 14th behind Western High School.

LOCATION OF TREES ON 136. Councilmember Luis asked if the Town had a say in the location of the trees on 136.

HAPPY HOLIDAYS. Councilmember Luis wished everyone Happy Holidays.

VICE-MAYOR CROWLEY

OLD DAVIE SCHOOL FLOOR REPAIR ISSUES. Vice-Mayor Crowley stated the estimate to repair the floor at the Old Davie School was \$7,600 and the trustees had half that amount. Vice-Mayor Crowley said Mr. Diez needed Council's support to move forward with this and determine a funding source for the balance. Mr. Diez requested a motion to waive competitive bidding. He said he would put a funding source together.

HAPPY HOLIDAYS. Vice-Mayor Crowley wished everyone Happy Holidays.

COUNCILMEMBER STARKEY

HAPPY HOLIDAYS. Councilmember Starkey wished everyone Happy Holidays.

FOREST RIDGE ANNUAL PARADE. Councilmember Starkey stated the parade had been successful.

FOREST RIDGE WOMAN'S CLUB CAROLING. Councilmember Starkey announced the Forest Ridge Woman's Club would go caroling on December 19th, traveling on a trolley.

REQUEST TO RESCIND AN ADOPT-A STREET DESIGNATION. Councilmember Starkey said Joe Kaufman had sent an email requesting the Town rescind an adopt-a street designation from a Muslim community organization. Councilmember Starkey did not want to do this at this time.

MAYOR PAUL

CONGRATULATIONS TO ISAAC DIEZ. Mayor Paul congratulated Isaac Diez, who had gone to the Wrangler National Finals Rodeo in Las Vegas.

THANKS TO SERGEANT RONALD BRADLEY. Mayor Paul had received a letter from the Western High School Girl's Booster Club thanking Sergeant Ronald Bradley for bringing the "Beat the Heat" car to a function. Mayor Paul thanked Sergeant Bradley and the Town of Davie Police Department for their participation in the car show in support of the community.

FOUR-WAY STOP REQUEST FOR THE CORNER OF 145 AND 20. Mayor Paul had learned of an accident the previous day at the corner of 145 and 20. The Town had tried to get a four-way stop at this intersection, but FDOT claimed there was no justification. Mayor Paul requested accident statistics for the intersection.

ROAD IMPROVEMENT FUNDS. Mayor Paul had received a call from Congresswoman Wasserman-Schultz's office regarding the \$500,000 they received for Davie Road improvements from the Federal Government.

SEASON OF MIRACLES. Mayor Paul remarked that this was the season of miracles, and she had been brought to tears at the Police Department Chaplain's breakfast by the guest speaker Maury Hernandez, who had been shot in the head and survived.

Mayor Paul stated another miracle they had recently realized was the opening of the Town's one-stop assistance center under the guidance of Giovanni Moss.

HAPPY HOLIDAYS. Mayor Paul wished everyone Happy Holidays.

12. TOWN ADMINISTRATOR'S COMMENTS

HAPPY HOLIDAYS. Mr. Shimun wished everyone Happy Holidays.

13. TOWN ATTORNEY'S COMMENTS

Mr. Rayson reminded Council that two years ago, Judge Fishman had ruled it was the Town of Davie's responsibility to maintain the lawn near the Park City Estates roadway. The Town had continued to "needle" Park City by billing them for this service, and Mr. Rayson stated this should stop. Park City's attorney had informed Mr. Rayson they were seeking \$7,500 reimbursement for past payments, and Mr. Rayson requested Council's approval to settle this for a smaller amount. Councilmember Starkey requested an investigation to determine the correct figure before settling. Councilmember Caletka recommended sending the attorney a letter informing him that they would investigate the correct amount and reimburse the City the appropriate amount.

Mr. Ackerman said staff had been directed to bill Park City Estates for the grass maintenance, but they had never paid a bill; the Town had paid for the maintenance. The billing would cease now that staff was aware the litigation was over. Mr. Rayson thought Park City Estates wanted reimbursement for the period they had maintained the grass. Council directed Mr. Rayson to inform the Park City Estates attorney that they were working on it and Council would discuss the facts at their first meeting in January.

HAPPY HOLIDAYS. Mr. Rayson wished everyone Happy Holidays.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:20 p.m.

Approved _____

Mayor/Councilmember

Town Clerk